

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 3-:03-CR-141

Case No. 3-:06-CV-012

JOHN H. MAGUIRE,

District Judge Thomas M. Rose

Defendant.

Magistrate Judge Sharon L. Ovington

**ENTRY AND ORDER OVERRULING MAGUIRE'S OBJECTIONS TO THE
MAGISTRATE'S REPORT AND RECOMMENDATIONS REGARDING MAGUIRE'S
MOTION TO VACATE, SET ASIDE OR CORRECT HIS SENTENCE; ADOPTING
THE MAGISTRATE'S REPORT AND RECOMMENDATIONS IN ITS ENTIRETY AND
TERMINATING THIS CIVIL CASE**

This matter is now before the Court pursuant to Objections (doc. #150 in civil case, doc. #151 in criminal case) filed by John H. Maguire to the Report and Recommendations issued on January 18, 2006, by Magistrate Judge Sharon L. Ovington (doc. #149 in civil case, doc. #150 in criminal case). The District Judge has reviewed the findings of Magistrate Judge Ovington. The District Judge has also made a de novo review of the record in this case pursuant to 28 U.S.C. § 636(b) and Fed.R.Civ.P. 72(b). Upon consideration of the foregoing, the Court finds that the Objections are not well-taken and they are hereby OVERRULED.

The Magistrate Judge's Report and Recommendations is ADOPTED in its entirety. Maguire's Motion To Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. §2255 is dismissed and a certificate of appealability will not issue because reasonable jurists would not disagree with this conclusion regarding Maguire's Motion. The captioned civil cause is hereby

ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

DONE and **ORDERED** in Dayton, Ohio, this Seventh day of February, 2006.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE

Copies furnished to:

John H. Maguire
Counsel of Record